

REMARKS

The amendment to Claim 1 is in response to the Examiner's suggestion found at page 2, paragraph 4, of the August 8, 2002 Office Action. Enclosed is a 37CFR132 affidavit establishing by comparative data that aluminum trihydrate is superior to  $\text{CaCO}_3$ . Basis for the amendment can be found in the specification and specifically Table 1 as originally filed. As such it is felt that the amendment does not constitute the introduction of new matter.

At present, Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over a patent issued to Spelthann (U.S. 5,610,234), in view of a patent issued to Fry et al. (4,614,680). Reconsideration of this final rejection is requested.

In view of the above amendment to Claim 1 and the enclosed affidavit, it is felt that there is a basis for the withdrawal of the §103 rejection of Claim 1 and such action is requested. Should the Examiner believe that an interview or other action in Applicants' behalf would expedite prosecution of the application, the Examiner is urged to contact Applicants' attorney by telephone at (302) 992-6824.

Respectfully submitted,

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